

Honolulu, Hawaii

APR 02 2015

RE: S.R. No. 19

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.R. No. 19 entitled:

"SENATE RESOLUTION REQUESTING THE DRUG ENFORCEMENT
ADMINISTRATION TO INITIATE RESCHEDULING PROCEEDINGS TO REMOVE
MARIJUANA FROM SCHEDULE I OF THE FEDERAL CONTROLLED
SUBSTANCES ACT BECAUSE MARIJUANA DOES NOT MEET THE CRITERIA
OF A FEDERAL SCHEDULE I CONTROLLED SUBSTANCE,"

begs leave to report as follows:

The purpose and intent of this measure is to request the
federal Drug Enforcement Agency to initiate rescheduling
proceedings to remove marijuana as a schedule I controlled
substance under the federal Controlled Substances Act.

Your Committee received testimony in support of this measure
from the American Civil Liberties Union of Hawaii, Libertarian
Party of Hawaii, Community Alliance on Prisons, The Drug Policy
Action Group, The Drug Policy Forum, and three individuals. Your
Committee received testimony in opposition to this measure from
the Police Department, City and County of Honolulu and Department
of the Prosecuting Attorney, County of Maui.

Your Committee finds that marijuana is a federal schedule I
controlled substance under the federal Controlled Substances Act.
To be listed as a schedule I controlled substance several findings
are required, including that the controlled substance has no
currently accepted medical use in treatment in the United States.
However, your Committee notes that in 2000, Hawaii created the



State's medical marijuana program and accepted the medical use of marijuana in treatment. As a result, the federal Drug Enforcement Administration's classification of marijuana as a federal schedule I controlled substance is contrary to Hawaii's currently accepted medical use of marijuana in treatment and prevents Hawaii from creating a state regulated distribution system that complies with federal law. This measure seeks to initiate rescheduling proceedings to remove marijuana as a schedule I controlled substance under the federal Controlled Substances Act so that state medical marijuana programs, such as Hawaii's medical marijuana program, can be lawfully implemented and recognized under federal law.

Your Committee has amended this measure by:

- (1) Deleting language, including in its title, that states that marijuana does not meet the criteria of a federal schedule I controlled substance; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 19, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 19, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="text-align: center; font-size: 1.2em;">JR 19</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">JDL</div>	Date: <div style="text-align: center; font-size: 1.2em;">3/27/15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	6			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: right; font-size: 1.5em; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes